IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1651 of 2004

LAXMAN SINGH
V/S
KUSHAL LAL @ KAMAL CHAND & ANR

Mr. RAKESH ARORA) for the appellant
Mr.SP Bhati)

Date of Order : 14.2.2005

HON'BLE N P GUPTA,J.

ORDER

Heard learned counsel for the appellant.

It is contended by learned counsel that amount awarded is inadequate.

The first submission made in this regard is, that the learned Tribunal has found that appellant was hospitalized for 28 days, still on that count, Rs. 4,000/- only has been awarded. Second submission made is, that the appellant had suffered three injuries, yet compensation has been awarded for one injury only and to the extent of Rs. 10,000/- only, while appellant had suffered permanent disablement to the extent of 20%.

I have considered the submissions, and find, that the learned Tribunal has noticed, that appellant himself had deposed the monthly salary to be Rs. 4,000/-, and it is on that basis, finding the appellant to have been hospitalized for 28 days, he has been awarded one month's salary, under the head of loss of income. In that view of the matter, this part of amount awarded, cannot be said to be inadequate.

Taking up of second submission, a look at para no.11 of the judgment shows, that the learned Tribunal has awarded Rs.5452.37 paisa for medical expenditure, and has also found, that the appellant had suffered two simple injuries, and one grievous injury, and has awarded

Rs.1,000/- for each simple injury and Rs.5,000/- for the grievous injury. Thus for three injuries, a separate amount of Rs. 7,000/- has been awarded. Then another amount of Rs.3,000/- has been awarded for expenditure, incurred on the person attending the injured. It is in this sequence, that this amount of Rs. 10,000/- has been awarded for permanent disablement, and has not been awarded as compensation for one injury only, ignoring the other two injuries. Before awarding this amount, it was noticed, that claimant himself has not deposed a word about his having been suffered permanent disablement, then it has been noticed, that according to injury report Ex.1, injuries suffered on the left arm was grievous, while injuries suffered on the right thigh and left fore-arm, were simple injuries. Notwithstanding this, the certificate of Dr. S.K. Bhatnagar, Ex.22, certifies 20% permanent disablement for the injuries suffered on the right thigh, (mentioned to be simple in Ex.1). It is after noticing this, in totality of facts and circumstances, that bearing benevolence, on the basis of certificate Ex.22, sum of Rs.10,000/- has been awarded for so-called permanent disablement.

Learned counsel for the appellant has not been able to show, that observation made, about the appellant having not deposed about his having suffered any permanent disablement, is wrong. Thus this second contention also has no force.

The appeal, thus being devoid of merit, is hereby dismissed summarily.

(N P GUPTA),J.

/Srawat/